

Opening Statement of Chairman Tom Davis
Committee on Government Reform
“Steroid Use in Sports Part III: Examining the National Basketball Association’s
Steroid Testing Program”
May 19, 2005

Good morning, and welcome to today’s hearing on the National Basketball Association (NBA) and the use of performance-enhancing drugs. The purpose of this hearing is to consider the NBA’s drug policy; how the testing policy is implemented; how effectively it addresses the use of prohibited drugs by players; and the larger societal and public health ramifications of steroid use.

Fourteen years ago, anabolic steroids were added to the Controlled Substance Act as a Schedule III drug, making it illegal to possess or sell them without a valid prescription. Today, however, evidence strongly suggests that steroid use among teenagers – especially aspiring athletes – is a large and growing problem.

The Centers for Disease Control and Prevention tells us that more than 500,000 high school students have tried steroids, nearly triple the number just ten years ago. A second national survey, conducted last year by the University of Michigan, found that over 40 percent of 12th graders described steroids as “fairly easy” or “very easy” to get, and the perception among high school students that steroids are harmful has dropped from 71 percent in 1992 to 56 percent in 2004.

Against this alarming backdrop, the Committee launched an investigation into steroid use in professional, amateur, collegiate, and high school athletics. In March, the Committee held its first hearing, focused on Major League Baseball’s (MLB) steroid testing policy and their efforts to combat steroid use. We followed up last month with a hearing on the National Football League and the changes the League and the NFL Players Association (NFLPA) agreed on to strengthen their testing policy. In addition, the Committee has received detailed information on the drug testing policies for the National Hockey League, Major League Soccer, U.S. Soccer Federation, USA Cycling, USA Track & Field, and the Association of Tennis Professionals.

Today's hearing is based on information provided by the NBA on its steroid testing program. As was the case with the NFL and the NFLPA, the NBA and the National Basketball Players Association (NBPA) have been helpful in educating us about their policy, and we have appreciated that cooperation.

Today, league management and the union should be prepared to answer serious questions about their steroid testing policy. In some ways, today's hearing stands in stark contrast to the previous two.

On the one hand, we have heard from top league officials, players and trainers that steroid use is not "an issue" for the NBA, since steroids do not increase the endurance and agility needed to excel on the court. Perhaps that is true. Certainly the NBA is not suffering under the same cloud of steroid-use suspicion that has been hovering over other professional sports.

But we're left with some confounding questions, given the fact that the NBA's testing program has some "Shaq-sized" holes in it: How do we know for sure there's no steroid problem in the NBA if its testing policies are so weak? If there's little or no upside to using steroids in basketball, why doesn't the NBA have the strongest policy in all of sports?

I'm willing to accept that steroids won't make your cross-over dribble smoother, or move the three-point line closer to the hoop. But what I can't understand is a policy that tests all non-rookies only once a year, and not at all during the regular season. What I can't understand is a policy under which a first steroid offense results in a mere five-game suspension, the equivalent of 6% of the regular NBA season. Compare that to the NFL, where a first offense is punished by a suspension of four games, or 25% of the regular season. This marks a stark difference in the impact on a player's pocketbook, where, arguably, it hurts the most.

I am encouraged by Commissioner Stern's written testimony that the NBA has asked the union to increase the amount of random testing per season for veteran players; to subject players to off-season testing; and to increase the penalties for violators. However, I am concerned by the response from the union. While Mr. Hunter explains in his written statement that basketball "cannot tolerate even the perception that the integrity of our contests is at issue," he also says the current program "strikes the appropriate balance with regard to the issues of testing and discipline."

How can we realistically argue that testing the vast majority of professional basketball players only once a year, during the preseason, is an appropriate balance?

Yesterday, a spokesman for the players' association reportedly said, *and I quote*, "Over the last seven years, of the approximately 400 rookies who have been tested randomly, not one of them has violated the steroid policy – zero for 400. One could argue that there is no evidence of any kind of use of steroids by NBA players." *End quote*.

I suppose one could *argue* that – but it wouldn't be very compelling. *We already know* there are a handful of players who have tested positive for steroid use since the league implemented its testing policy. Taking testing results from rookie players and extrapolating the results to reflect on the entire league is silly on its face. If there were *no* testing, there would be no evidence of use either. Does that mean that we should have no testing?

Data from the World Anti-Doping Agency (WADA) on testing of international basketball players suggests at least some believe there's a competitive advantage to be found in steroids. In 2003, 17 international players tested positive for steroids. In 2004, 26 players tested positive. We know that basketball players somewhere in the world are abusing steroids, and the number is increasing.

Since our MLB hearing, there have been a large number of public statements from NBA personnel and players on the lack of steroid use in professional basketball and the responsibility of NBA players to discourage youth from using steroids. In advance of today's hearing, the Committee invited players who have been outspoken on this issue to testify, and use the hearing as a platform to express to young players that steroid use is not only physically harmful, but also a form of cheating.

We are fortunate that one player answered the call. Juan Dixon should be commended for stepping up to the plate... or maybe the free throw line is more appropriate.

By the time he was 16 years old, Juan had lost both of his parents to illness within a year of each other. Division I college recruiters told Juan he was too small and lacked the talent to play college hoops. This did not deter him.

He worked hard – on the court and off – not only convincing the University of Maryland that he deserved a scholarship, but also achieving the SAT scores necessary to play college basketball. In 2002, Juan proved to every young athlete the benefits of hard work and perseverance when he led the Terrapins to their first-ever NCAA championship.

Later that year, Juan was drafted 17th overall in the NBA draft. Over the past three seasons, he has continued to prove the college recruiters wrong, as he has helped breathe new life into our resurgent Washington Wizards.

As I have often said over the past two months, we are here because more than half a million high school students have tried steroids, and the number is rising every day. If our goal is to stem that tide, nothing is more effective than hearing from stars like Juan Dixon. Young athletes will listen to him far more attentively than they'll listen to the rest of us. We hope that other NBA players will follow your lead in speaking out to kids, in a public forum, about the dangers of steroids and how there is no place for these drugs in youth, college, or professional basketball.

Our investigation already has spawned results, evidenced most profoundly by Major League Baseball's abrupt about-face on the need for more stringent testing.

Our inquiry also has led me, Mr. Waxman, and Senator John McCain to draft legislation creating a uniform testing standard for the NBA, MLB, NFL, and the National Hockey League. We're still dotting some I's and crossing some T's, but the legislation – which, frankly, will have more teeth than other bills introduced recently – will be ready for introduction early next week.

With our oversight and legislation, we're hoping to send a clear message to young people in search of their own "Hoop Dreams." Steroid use is harmful, even deadly. Steroid use is cheating. Steroid use will be punished.

We look forward to the testimony today and thank our witnesses for being here.

